

CITY OF PASADENA
City Council Minutes
October 11, 2010 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:44 p.m.
(Absent: None)

On order of the Mayor, the regular meeting recessed at 5:44 p.m., to discuss the following closed session:

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property Location: Rose Bowl Stadium and surrounding parking areas

Agency Negotiators: Darryl Dunn and Michael J. Beck

Negotiating Parties: Tournament of Roses and University of California at Los Angeles (UCLA)

Under Negotiation: Price and terms of payment

The above closed session item was discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting reconvened at 6:31 p.m. The Pledge of Allegiance was led by Councilmember Tornek.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Terry Tornek

Staff:

City Manager Michael J. Beck
City Attorney Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

The City Clerk administered the oaths of office to Jason Anderson and Tashera Taylor as Human Services Commissioners.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

No one appeared for public comment.

CONSENT CALENDAR

MINUTES APPROVED

September 27, 2010

CLAIMS RECEIVED AND FILED

Claim No. 11,207	Barbara and Douglas Hadsell	\$ 95.00
Claim No. 11,208	Edmund Barnum/Pasadena Republican Club	100.00
Claim No. 11,209	Edward F. Fehrenbacher	1,309.00
Claim No. 11,210	Clara Johnson	9,500.00
Claim No. 11,211	Maria Sandoval	25,000.00+
Claim No. 11,212	Sonia Rivera	1,588.25
Claim No. 11,213	Delbert L. Smith	463.00
Claim No. 11,214	Kenneth Hung	7,000.00

PUBLIC HEARING SET

November 8, 2010, 7:30 p.m. – Joint Public Hearing: Approval of a Substantial Amendment to the 2008-2009 CDBG Annual Action Plan

It was moved by Councilmember Haderlein, seconded by Councilmember Robinson, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING

PUBLIC HEARING: TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) AND CALIFORNIA GOVERNMENT CODE SECTION 6586.5 HEARING TO CONSIDER APPROVAL OF ROSE BOWL STADIUM IMPROVEMENTS AND AUTHORIZATION OF LEASE REVENUE BONDS BY THE PASADENA PUBLIC FINANCING AUTHORITY TO FINANCE AND REFINANCE SUCH IMPROVEMENTS LOCATED AT 1001 ROSE BOWL DRIVE

Recommendation: It is recommended that the City Council hold a public hearing as required by (i) Section 147(f) of the Internal Revenue Code of 1986 (the Code), which is part of the Tax Equity and Fiscal Responsibility Act (TEFRA); and (ii) Section 6586.5 of the California Government Code, relating to the proposed issuance by the Pasadena Public Financing Authority (the Authority) of its lease revenue bonds in one or more series in a maximum aggregate principal amount of \$200,000,000 and the proposed reissuance for purposes of U.S. Treasury regulations Section 1.141-12(F)(2) of the Authority's \$47,300,000 original aggregate principal amount of Variable Rate Demand Lease Revenue Bonds, Series 2006.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on September 20, 2010 in the Pasadena Star-News; and 1 letter in opposition to the financing was received.

(Public hearing continued on Page 7)

By consensus and on order of the Mayor, further consideration of the public hearing was deferred until a later time in the meeting, to allow a discussion of the Approval of the Rose Bowl Stadium Renovation Project and Financing Plan (see agenda item below).

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPROVAL OF THE ROSE BOWL STADIUM RENOVATION PROJECT AND FINANCING PLAN

Recommendation of City Manager and Rose Bowl General Manager:

It is recommended that the City Council take the following actions related to the Rose Bowl Stadium Renovation Project:

- (1) Approve the Rose Bowl Stadium Renovation Project and Financing Plan;
- (2) Find that the proposed License Agreement with the Regents of the University of California, expiring in 2042, is exempt from the California Environmental Quality Act (CEQA), per Section 15301 Existing Facilities;
- (3) Find that the proposed License Agreement with the Pasadena Tournament of Roses Association, expiring in 2043, is exempt from the California Environmental Quality Act (CEQA), per Section 15301 Existing Facilities;
- (4) Adopt a resolution approving the negotiation, execution and delivery of a license agreement with the Pasadena Tournament of Roses Association, a California non-profit corporation, and certain other actions relating thereto in essentially the form attached to the agenda report;
- (5) Adopt a resolution approving the negotiation, execution and delivery of an advertising agreement with ISP Sports LLC, a Delaware limited liability company, and certain other actions relating thereto in essentially the form attached to the agenda report;
- (6) Adopt a resolution approving the negotiation, execution and delivery of a license agreement with the Regents of the University of California, a California public corporation, on behalf of the University of California Los Angeles and certain other actions relating thereto in essentially the form attached to the agenda report;
- (7) Adopt a resolution amending the General Fee Schedule to add new fees to the schedule of minimum rents, charges and fees to be charged for the use of the Rose Bowl Stadium levied, pursuant to Section 3.32.280 of the Pasadena Municipal Code in essentially the form attached to the agenda report;
- (8) Adopt a resolution of the City Council of the City of Pasadena authorizing the issuance of lease revenue bonds in an amount not to exceed \$180,000,000 and the execution and delivery of a first amendment to lease, first amendment to sublease, purchase agreement and certain other actions relating thereto;
- (9) Find that the application of public art fees to be generated by the proposed project to conserving/restoring historic art and design elements of the Rose Bowl Stadium is consistent with

the Conservation Clause of the Public Art Guidelines; and
(10) Amend the FY2011-2015 Capital Improvement Program by increasing appropriations for the Rose Bowl Renovation Project (Project No. 84002) by a total of \$5,835,176 consisting of: \$3 million in funds from the Rose Bowl Fund, \$1.89 million in estimated construction tax revenues, and \$945,176 in public art fees. (Resolution Nos. 9064, 9065, 9066, 9067, and 9068; and Contract Nos. 20,501, 20,502, and 20,503)

Recommendation of Executive Director: It is recommended that the Pasadena Public Financing Authority:

(1) Adopt a resolution of the Board of Directors of the Pasadena Public Financing Authority authorizing the issuance of lease revenue bonds in an amount not to exceed \$180,000,000 and the execution and delivery of a first amendment to lease, a first amendment to sublease, bond indenture, bond purchase agreement, and an official statement, and certain other actions relating thereto. (Resolution No. PPFA-18)

Recommendation of City Council Finance Committee: On October 4, 2010, the Rose Bowl Stadium Renovation Project and Financing Plan were presented to the City Council Finance Committee as an information item. Although no formal action was requested, the Committee indicated its endorsement of the Project and Plan.

Recommendation of Rose Bowl Operating Company: A regular meeting of the Rose Bowl Operating Company (RBOC) is scheduled for October 7, 2010, at which time the RBOC is expected to approve actions 1 through 7 outlined above and to recommend the same to the City Council. Staff will report on the outcome of the RBOC meeting at the City Council meeting.

Recommendation of Arts and Culture Commission: At a special meeting held on October 6, 2010, the Arts and Culture Commission voted not to recommend to the City Council the staff recommendation to apply public art funds to be generated by the proposed project to conserving/restoring historic elements of the Rose Bowl Stadium, as provided for in the Public Art Guidelines.

The Mayor introduced the above agenda item.

Vice Mayor Gordo, Rose Bowl Operating Company (RBOC) Board President, introduced representatives of the University of California-Los Angeles (UCLA), Tournament of Roses (ToR), and RBOC who were in attendance; thanked Michael Beck (City Manager) and Darryl Dunn (General Manager of the Rose Bowl) and their staffs for their work on the proposed renovation project; and gave a brief history of the Rose Bowl. He provided an overview of the proposed Rose Bowl Renovation Project (base project), local hiring and purchasing program approved by the RBOC Board, and City fee contributions as part of a PowerPoint presentation; and responded to questions. On behalf of the RBOC, he apologized to those in the community

who felt that the re-apportionment of the 1% public art fee issue was not raised and brought to the attention of the Arts and Culture Commission in a timely manner for their review.

Darryl Dunn, reviewed the financing structure for the base project and the tenant lease terms for UCLA and ToR as part of a PowerPoint presentation, and responded to questions.

Jeff Throop, ToR President, and Dan Guerrero, UCLA Athletic Director, stated their support of the renovation project and financing plan, as tenants of the Rose Bowl.

The following persons spoke in support of the proposed project and/or financing plan:

Paul Little, Pasadena Chamber of Commerce President and Chief Executive Officer, submitted a letter of support dated October 11, 2010.
Sylvester Ceasar, Rose Bowl employee
Charles Nelson, Northwest Commission Chair
Marilyn Buchanan, Old Pasadena Management District (OPMD) Board member speaking as an individual
Gene Buchanan, Pasadena resident and business owner

The following persons spoke in support of retaining the 1% public art fee component for the project and referring the matter to the Arts and Culture Commission:

Patrick Conyers, Arts and Culture Commissioner
Terry LeMoncheck, Pasadena Arts Council Executive Director
Stephen Nowlin, Pasadena Arts Council Board President

The following persons spoke in support of the proposed project, including a local hiring program:

Joe Brown, NAACP Pasadena Branch President, submitted a letter of support dated October 11, 2010.
James McGuire, Ironworkers Local 433 representative
Shomari Davis, International Brotherhood of Electrical Workers (IBEW), Local 11 representative
Robbie Hunter, Los Angeles/Orange Counties Building and Construction Trades Council representative, submitted a packet of informational materials.
Reverend Mark Threats, Friendship Baptist Church Associate Minister

The Mayor read portions of a letter that had been distributed to the City Council from James Hirschmann, Legacy Connections Chair, regarding this new nonprofit organization's initial efforts to raise funds in support of the Rose Bowl stadium renovation project.

Councilmember Madison expressed continued support for mitigation for the Central Arroyo area that will be impacted by the construction period during the renovation project, and concerns regarding the process followed in reviewing the City's proposed 1% public art fee contribution to the project. He suggested that, when monies free up in the future, City Council consider funding the Central Arroyo Master Plan projects, and return to the issue of a public arts program. He also suggested that, as the construction phase begins, the City examine the proposal to include a labor management agreement as suggested by several of the above speakers

Councilmember Robinson stated her continued interest in ensuring that a local hiring component is included in the construction phase of the project (independent local hiring coordinator and local workforce utilization/hiring plan). She requested that the staff recommendation to be approved by the City Council be amended to add Recommendation No. 11: Approve a local workforce hiring program, with the City to continue to work with the RBOC on refining and developing the language for the program (consistent with the program utilized for the City Hall and Pasadena Convention Center renovation projects), which will include hiring an independent local outreach coordinator; and with a report on the program to be presented to the RBOC Board and City Council within 60 days (or less, if possible) for final review and approval.

Mr. Dunn clarified that the RBOC had recently approved the retention of a local hiring coordinator for the project, as soon as the funds become available; and was continuing to work with the City on refining the local workforce plan/program, which will be brought back to the RBOC and City Council for approval.

The City Manager and Andy Green, Director of Finance Department, responded to questions regarding the financing plan.

The City Manager and Mr. Dunn responded to questions regarding the management of the project.

Richard Hiscocks, Orrick, Herrington & Sutcliffe, LLP (bond counsel), responded to questions regarding the financing bonds.

Councilmember Tornek suggested that, if funds become available, Council consider restoring some of the \$945,176 public art fee and allocate the funds for public art at the Rose Bowl, prior to funds being allocated to the proposed Additional Priority Elements for the project.

Councilmember Holden suggested that the RBOC return to Council at some future date with a report on the existing public benefits program for the Rose Bowl and how it might be expanded.

On order of the Mayor, discussion on this agenda item was suspended to allow for completion of the public hearing.

PUBLIC HEARING

(Continued from Page 3)

PUBLIC HEARING: TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) AND CALIFORNIA GOVERNMENT CODE SECTION 6586.5 HEARING TO CONSIDER APPROVAL OF ROSE BOWL STADIUM IMPROVEMENTS AND AUTHORIZATION OF LEASE REVENUE BONDS BY THE PASADENA PUBLIC FINANCING AUTHORITY TO FINANCE AND REFINANCE SUCH IMPROVEMENTS LOCATED AT 1001 ROSE BOWL DRIVE

On order of the Mayor, consideration of the public hearing continued.

Floyd Folven, Pasadena resident, expressed concerns regarding the proposed project and financing.

It was moved by Vice Mayor Gordo, seconded by Councilmember McAustin, to close the public hearing. (Motion unanimously carried) (Absent: None)

It was moved by Vice Mayor Gordo, seconded by Councilmember Robinson, to approve the Rose Bowl Stadium improvements and authorize lease revenue bonds by the Pasadena Public Financing Authority to finance and refinance such improvements located at 1001 Rose Bowl Drive. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

(Continued from top of page)

APPROVAL OF THE ROSE BOWL STADIUM RENOVATION PROJECT AND FINANCING PLAN

Discussion continued on issues related to the project: defining a public benefits program, further defining the local hiring program and local hiring coordinator position, the City's commitment to funding/providing public arts programs as required by the City's ordinance, and possible implementation of the Central Arroyo Master Plan projects as mitigation during the construction period.

Following discussion and by consensus, the City Council made the following clarifications/determinations:

- The RBOC will return to the City Council within 60 days with a report on the current public benefits program and how this program may be expanded.

- The RBOC, in conjunction with City staff, will define a local hiring program, to include the retention of a local hiring coordinator to ensure that the hiring plan/program is effective and carried out, with the program to be presented to the RBOC and City Council for final approval.

Councilmember Robinson stated for the record her understanding that the RBOC had approved the hiring of an independent local hiring coordinator for a local hiring program for the project. Mr. Dunn indicated he would confirm RBOC's action on this issue.

Councilmember McAustin suggested the issue of a public arts program for the Rose Bowl area and a separate general discussion of the City's public art fee/program be agendaized for a future Council meeting.

Following discussion, it was moved by Councilmember Haderlein, seconded by Vice Mayor Gordo, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

Councilmember Robinson was excused at 9:24 p.m.

APPROVAL OF AN AMENDMENT TO THE OPERATING AGREEMENT WITH THE ROSE BOWL OPERATING COMPANY (RBOC) REGARDING PHILANTHROPIC EFFORTS AND NAMING RIGHTS OF SPECIFIC STADIUM FEATURES

Recommendation of Rose Bowl Operating Company: It is recommended that the City Council approve an amendment to the Operating Agreement which would accomplish the following:

- (1) Recognize and establish a philanthropic program to be undertaken by the RBOC, on its own, and with groups such as Legacy Connections (Rose Bowl Legacy campaign), to receive contributions from private sources for Rose Bowl Stadium related preservation projects;
- (2) Allow the RBOC to develop a sponsorship policy to provide naming opportunities for specific Rose Bowl Stadium features for appropriate levels of donor activity, and terms and conditions which protect and enhance the reputation of the Rose Bowl Stadium; and
- (3) Find that the above actions 1 and 2 are exempt from the California Environmental Quality Act (CEQA), per Section 15061(b)(3).

Darryl Dunn, General Manager of the Rose Bowl, summarized the agenda report.

It was moved by Councilmember Madison, seconded by Vice Mayor Gordo, to approve the Rose Bowl Operating Company recommendation. (Motion unanimously carried) (Absent: Councilmember Robinson)

Councilmember Robinson
returned at 9:25 p.m.

**APPOINTMENT OF RICHARD LoGUERCIO TO THE
PASADENA CENTER OPERATING COMPANY BOARD**
(Mayor/District 7 Nomination)

It was moved by Councilmember Madison, seconded by Vice Mayor Gordo, to approve the above appointment. (Motion unanimously carried) (Absent: None)

COUNCIL COMMENTS

Councilmember Madison announced that the Pasadena Convention Center had been awarded LEED (Leadership in Energy and Environmental Design) Gold certification. He acknowledged the high level of participation in the ArtNight festivities that had occurred as part of the Pasadena ArtWeekend this past weekend.

Councilmember McAustin asked staff to provide information regarding reduced parking requirements through the City Manager's weekly newsletter.

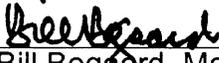
In response to Councilmember Madison's questions, the Mayor indicated that the next joint meeting of the City Council and Pasadena Unified School District (PUSD) Board was scheduled for February 2011, with the joint working group to meet next on November 16, 2010.

Councilmember Haderlein asked that PUSD be asked to provide the City with information on the District's proposed plans for school closings and reuse of their properties.

Councilmember McAustin suggested possible scheduling of a joint City/PUSD strategic planning session.

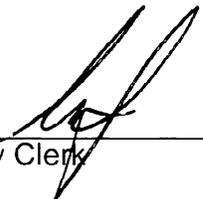
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:31 p.m., in memory of Ira Galloway, who had been active in community policing and as a Scout parent.



Bill Bogard, Mayor
City of Pasadena

ATTEST:



City Clerk